

Appl. No. 10/719,600
 Atty. Docket No. 9440Q
 Amdt. dated 9/8/05
 Reply to Office Action of 7/5/05
 Customer No. 27752

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. In Figure 1, previously omitted elements 80 and 82 have been added.

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REMARKS

Objections to the Drawings

The drawings are objected to because reference character 32 was used to designate both a wall dimension and a withdrawal member. Applicant has amended the specification to denote "withdrawal member" as 82. Applicant has amended Fig. 1 to illustrate "withdrawal member" and denote 82 as "withdrawal member."

The drawings are objected to because reference characters 30 and 38 were not shown in Figs. 1 and 2. Applicant has amended the specification and deleted reference characters 30 and 38.

The drawings are objected to because the drawings do not show every feature of the invention specified in the claims. Applicant has amended Fig. 1 to illustrate "withdrawal member" and amended the specification to denote 82 as "withdrawal member." Applicant has further amended Fig. 1 to illustrate "finger indent" and denoted 80 as "finger indent."

Claim Status

Claims 1-9 are pending in the present application. No additional claims fee is believed to be due.

Response to Double Patenting Rejection

A Terminal Disclaimer to obviate a provisional double patenting rejection over Application 10/719,785 was filed concurrently with this Amendment.

Rejection Under 35 USC § 102 Over Schoelling (US 2002/0151859)

Claims 1-9 were rejected under 35 USC § 102(b) as being anticipated by Schoelling (US 2002/0151859). This rejection is traversed for two reasons. First, Schoelling does not disclose a tampon wherein said first and second side walls of the recessed portion comprise an angle (α) therebetween. As shown in Figs. 3 and 4 in Schoelling, the ducts having a drop-shaped cross section extend along the length of the tampon. The apex of the drop-shaped cross section lying closest to the longitudinal axis of the tampon formed at the intersection of the first and second side walls has a curved shape and does not comprise an angle (α).

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Furthermore, Schoelling does not disclose a tampon wherein said alpha angle varies as measured along at least a portion of the length dimension of the tampon. As shown in Figs. 3 and 4 in Schoelling, the cross section of the ducts does not vary along the length of the tampon. Thus, the geometry of the apex of the drop-shaped cross section lying closest to the longitudinal axis of the tampon does not vary as measured along at least a portion of the length dimension of the tampon. Even if the apex of the drop-shaped cross section lying closest to the longitudinal axis of the tampon could be characterized as an angle, that angle would not vary as measured along at least a portion of the length dimension of the tampon.

For the reasons set forth above, the Applicant respectfully requests that the rejection of Claim 1 under 35 USC § 102 be withdrawn.

Because Claims 2-9 depend upon Claim 1, Claims 2-9 are also allowable over Schoelling.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the double patenting rejection and rejections under 35 USC § 102(b). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-9 are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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